

NOTICE OF FINAL RULEMAKING
TITLE 3. AGRICULTURE
CHAPTER 11. VETERINARY MEDICAL EXAMINING BOARD

PREAMBLE

<u>1. Articles, Parts, and Sections Affected</u>	<u>Rulemaking Action</u>
R3-11-101	Amend
R3-11-102	Amend
R3-11-103	Renumber
R3-11-103	New Section
R3-11-105	Amend
R3-11-107	Amend
R3-11-108	Amend
Table 1	Amend
R3-11-109	Amend
R3-11-201	Amend
R3-11-203	Amend
R3-11-204	Renumber
R3-11-204	Amend
R3-11-301	Amend
R3-11-302	Repeal
R3-11-304	Amend
R3-11-401	Amend
R3-11-402	Amend
R3-11-403	Amend
R3-11-405	Amend
R3-11-501	Amend
R3-11-502	Amend
R3-11-601	Repeal
R3-11-604	Amend
R3-11-606	Amend
R3-11-607	Amend
R3-11-701	Amend

R3-11-702	Amend
R3-11-703	Amend
R3-11-705	Amend
R3-11-706	Amend
R3-11-707	Amend
R3-11-801	Amend
R3-11-802	Amend
R3-11-901	Amend
R3-11-902	Amend
R3-11-903	Amend
R3-11-1001	Amend
R3-11-1002	Amend
R3-11-1003	Amend
R3-11-1004	Amend
R3-11-1005	Amend
R3-11-1006	Amend
R3-11-1007	Amend
R3-11-1008	Amend
R3-11-1009	Amend
R3-11-1010	Amend

2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. §§ 32-2207(8), 32-2275, and 32-2295

Implementing statute: A.R.S. §§ 32-2204, 32-2207(3), (9), and (10), 32-2213(A)(7), 32-2219, 32-2232(12), 32-2242, 32-2243, 32-2245, 32-2250, 32-2272, 32-2273, 32-2281, 32-2292, and 32-2293

3. The effective date for the rules:

As specified in A.R.S. § 41-1032(A), the rules will become effective 60 days after they are filed with the Office of the Secretary of State.

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Not applicable

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

4. Citation to all related notices published in the *Register* to include the *Register* as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:

Notice of Rulemaking Docket Opening: 18 A.A.R. 1347, June 15, 2012

Notice of Rulemaking Docket Opening: 18 A.A.R. 2370, September 28, 2012

Notice of Proposed Rulemaking: 18 A.A.R. 2528, October 12, 2012

Notice of Public Information: 19 A.A.R. 945, May 3, 2013

5. The agency's contact person who can answer questions about the rulemaking:

Name: Victoria Whitmore, Executive Director

Address: 1400 West Washington St., Ste. 240
Phoenix, AZ 85007

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6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

The Board is amending rules to make them consistent with industry standards and agency practice. It also is making needed changes identified in a five-year-review report approved by the Council on November 3, 2009. The Board is making the rule required under A.R.S. § 32-2207(8)(c).

The Board deleted reference to requiring an applicant to obtain Board approval to take a licensing examination because it lacks authority for that requirement.

This rulemaking is exempt from the rulemaking moratorium contained in Executive Order 2012-03 under paragraph (4)(c) of the Order.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Board reviewed no studies. This rulemaking does not rely on scientific principles or methods.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

The rulemaking will have minimal economic impact because the new rules are very similar to those being amended. The following changes will have positive economic impact:

Made the rule required under A.R.S. § 32-2207(8)(c);

Clarified that an applicant does not have to obtain Board approval before taking the national examination;

Reduced the amount of time before a continuing education that the provider must apply for pre-approval from the Board; and

Clarified that a crematory license is not cancelled when there is a change of owner.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

In addition to the changes identified in item 11, all of which are non-substantial, the Board made minor language and formatting changes to improve clarity. Additionally, in R3-11-402(B), the Board reduced the number of days before a continuing education takes place that a request for pre-approval must be submitted. This reduces the burden on those seeking pre-approval of a continuing education.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:

Comments were received from Ms. Serling, a certified veterinary technician, and the following licensed veterinarians, Dr. Langhofer, Dr. Skinner, Dr. Ames, Dr. Driggers, Dr. Panzero, and Dr. Johnson. Their comments, the Board's analysis, and action taken follow:

Comment	Board's Analysis	Action
R3-11-101. Why was the definition of veterinary assistant deleted? There is uncertainty about what a certified veterinary technician can do. I don't understand why Arizona does not clearly state what a CVT is allowed to do.	The definition of veterinary assistant was deleted because the term is defined at A.R.S. §32-2201(25). The Board defined in R3-11-605 the services that a CVT is authorized to perform.	No change
R3-11-102. Is 24 hour notice of a special meeting adequate?	This is the amount of time required under the Open Meetings Law. The Board attempts to provide	No change

	more notice but in an emergency, it might be possible to comply minimally with the Open Meetings Law.	
R2-11-107. It was suggested that a subsection be added requiring the Board to provide notice that a change of address has been obtained.	The Board wants to provide quality customer service and currently acknowledges change of request information received by telephone or e-mail. However, the Board does not have the resources to mailed acknowledgement of change of address.	No change
R3-11-501. The words “strive to” should remain in the ethical standards.	The Board believes it is important that a veterinarian show respect for colleagues rather than simply strive to show respect.	No change was made regarding the phrase “strive to.” A correction was made to the name of the American Veterinary Medical Association.
R3-11-502(B)(1). Instead of requiring that emergency information be on a veterinarian’s voice message, allow it to be on a web site.	In an emergency, most clients call their veterinarian so it is reasonable to place information on a voice message. The information may also be place on a web site.	No change
R3-11-502(B)(2). If we are required to make a referral to a veterinary hospital when we are closed, are we liable for the services performed at the hospital?	The rule does not require that a referral be made. It requires only that information be provided regarding where veterinary medical services can be obtained.	No change
R3-11-502(E). There is confusion regarding the meaning of “documented instructions.” It is believed to be overbearing to mandate that all instructions be documented.	The Board concurred that the language was subject to multiple interpretations.	Clarifying changes were made to indicate that what is to be documented is the fact that instructions were provided.
R3-11-502(H)(2) and (3) and	The comment is correct. There are	Language was added making it

(L)(4). Many veterinarians struggle with the TPR (temperature, pulse, respiration) requirements. It is just not always possible to measure TPR as required by the rules.	species or circumstances that make measuring TPR impractical or detrimental.	unnecessary to measure TPR if the species or circumstances make the measurement impractical or potentially detrimental.
R3-11-502(H)(5). The requirement to maintain a separate anesthesia log should be removed because it contains nothing not already in other records.	A separate anesthesia log is a safety document that provides information useful to identify patterns on anesthesia issues.	No change
R3-11-502(L).The word “last” as used in the introduction should be deleted because it is possible this would require a veterinarian to maintain 60 years of records for certain animals. Also, “sex and breed” should be deleted because they duplicate “description.”	<p>If an animal lived 60 years, it would be very important to have the required records because the animal probably would have outlived one or more veterinarians. A new veterinarian caring for an old animal would benefit from knowing the animal’s complete medical history.</p> <p>Sex and breed are necessary to describe the animal being treated but “...or color photograph” was added as a substitute for a written description.</p>	<p>No change</p> <p>The phrase “or color photograph” was added to make it easier to address some aspects of a description of an animal.</p>
R3-11-502(M). The word “permanently” should be deleted from the requirement about labeling of radiographs.	It is important that the required information remain attached to the radiograph as long as the radiograph is maintained by the veterinarian.	No change
R3-11-604(C). Currently, if a CVT from another state moves to Arizona, they are required to	If the statement made is true, the action is inconsistent with A.R.S. § 32-2242(D).	The text was rewritten to distinguish between those who meet the standard in A.R.S. § 32-

retake the national examination if they took it seven years ago.		2242(D) and those who do not.
R3-11-701(A)(5). Insert the word “generally” before “provided” to account for power outages, acts of nature, or when the scale stops working.	The Board is not unreasonable. It certainly understands unusual circumstances.	No change
R3-11-701(A)(7). With regard to mobile units, there is no animal crematory in northern Arizona that will pick up a large animal of any kind. Most mobile veterinarians use burial, landfill, or rendering to dispose of large animals.	The Board appreciates this information.	The text was changed to all a mobile veterinarian to make arrangements for disposal of an animal body if requested to do so by the client.
R3-11-801(B). A veterinarian should not be required to provide a prescription simply because an animal owner requests one.	The comment is correct. The veterinarian should have discretion regarding how to respond to a request for a prescription.	The text was changed to require a prescription only if there is a valid doctor patient relationship and the veterinarian determines the prescription is in the best interest of the animal.
R3-11-901. The Board is proposing to remove providing notice of a complaint with the licensee complained against is notified. The Board is removing the ability to request a complainant to respond to statements or documents.	The Board always attaches a copy of the complaint when providing notice to the licensee complained against. The text change is made simply to be more concise. The Board has no statutory authority over complainants and cannot require their compliance.	No change No change
R3-11-902(A). The word “shall” should be changed to “may” to allow the Board to use its discretion regarding whether to	Statute outlines when an informal interview is appropriate and provides the Board with all the discretion it needs.	No change

conduct an informal interview.		
R3-11-1002(B)(1)(h). Delete the requirement to provide a description of cremation tools. It is not necessary.	The comment is correct.	The phrase “and tools” was deleted.
R3-11-1002(B)(3). Consider not requiring training from an “other approved certified provider.” Who is approved and what is the certification?	The comment is correct.	The phrase “approved certified” was deleted.
R3-11-1008(A)(2)(f). Delete the requirement to provide information regarding in which retort a communal cremation takes place.	Not all crematories mix cremains from different retorts. If there is a problem with the quality of cremains, it is important to know which retort may be the source of the problem.	No change
Add a requirement that crematories provide the Board with a list of courier services that bring bodies to the crematory so clients know that couriers are not the actual crematory.	The Board has no authority over courier services. The rules currently require an applicant to provide a copy of all contracts with courier services so the Board, in essence, has a list of courier services. The rules also require that cremains be labeled with the name of the crematory. This provides notice to clients of the entity responsible for the cremation.	No change
R3-11-1009. Consider not cancelling a license just because there is a change in any amount of ownership of the crematory.	A.R.S. § 32-2292(C) indicates that a crematory license cannot be sold, transferred, or assigned and (D) indicates that a change of responsible owner cancels an animal crematory license.	R3-11-1009 was amended to align it with statute. It is the crematory that is licensed rather than the owner of the crematory. A license is not cancelled simply because ownership of the crematory

		changes. Only a change in responsible owner cancels the license.
The rules do not address transportation of deceased animals. There is no requirement for enclosed transportation or refrigeration.	The Board has no authority over courier services.	No change
R3-11-1005. Do not over extend in the rules to areas in which the Board and staff have no expertise such as air flow, combustion, etc.	It is appropriate for the Board to establish minimum standards.	No change

12. All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Statute requires that a veterinarian, veterinary premises, and animal crematory be licensed and that a veterinary technician be certified. Therefore, under A.R.S. § 41-1037(A)(2), use of a general permit is not applicable.

Statute provides that a temporary permit may be issued to an otherwise qualified individual who is waiting to take the next scheduled licensing examination. Under A.R.S. § 41-1037(A)(3), use of a general permit is not applicable because of the statutory requirements for obtaining and holding a temporary permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law is not applicable to the subject of this rulemaking.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

None

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the *Register* as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

None of the rules was previously made, amended, or repealed as an emergency rule.

15. The full text of the rules follows:

TITLE 3. AGRICULTURE

CHAPTER 11. VETERINARY MEDICAL EXAMINING BOARD

ARTICLE 1. GENERAL PROVISIONS

Section

- R3-11-101. Definitions
- R3-11-102. Board Meetings
- R3-11-103. ~~Renewal of Veterinary License~~ Evaluating Board Services
- R3-11-105. Fees
- R3-11-107. Residence and Veterinary Practice Addresses
- R3-11-108. Time-frames for Licensure, Certification, Permit, and Continuing Education Approvals
- Table 1. Time-frames (in days)
- R3-11-109. ~~Office of the Ombudsman-Citizens~~ Arizona Ombudsman-Citizens' Aide

ARTICLE 2. APPLICATION AND EXAMINATION FOR LICENSURE

Section

- R3-11-201. Application for a Veterinary Medical License
- R3-11-203. ~~Information Documents Required for Examination Qualification~~ with a License Application
- ~~R3-11-103.~~ R3-11-204. Renewal of Veterinary License

ARTICLE 3. TEMPORARY PERMITTEES

Section

- R3-11-301. Application for a Temporary Permit
- R3-11-302. ~~Termination of Employment~~ Repealed
- R3-11-304. Extension of Temporary Permits

ARTICLE 4. CONTINUING EDUCATION REQUIREMENTS

Section

- R3-11-401. Continuing Education
- R3-11-402. Approval of Continuing Education
- R3-11-403. Documentation of Attendance
- R3-11-405. Waiver

ARTICLE 5. STANDARDS OF PRACTICE

Section

- R3-11-501. Ethical Standards
- R3-11-502. Standards of Practice

ARTICLE 6. VETERINARY TECHNICIANS

Section

- R3-11-601. ~~Definition~~ Repealed
- R3-11-604. Examinations
- R3-11-606. Application for a Veterinary Technician Certificate
- R3-11-607. Renewal of Veterinary Technician Certificate

ARTICLE 7. VETERINARY MEDICAL PREMISES AND EQUIPMENT

Section

- R3-11-701. General Veterinary Medical Premises Standards
- R3-11-702. Equipment and Supplies
- R3-11-703. Maintenance Standards for a Veterinary Medical Premises
- R3-11-705. Mobile Clinics
- R3-11-706. Mobile Units
- R3-11-707. Application for a Veterinary Medical Premises License

ARTICLE 8. DRUG DISPENSING

Section

- R3-11-801. Notification that Prescription-only Drugs or Controlled Substances May Be Available at a Pharmacy
- R3-11-802. Labeling Requirements

ARTICLE 9. INVESTIGATIONS AND HEARINGS

Section

- R3-11-901. Investigations of Alleged Violations
- R3-11-902. Informal Interview
- R3-11-903. Formal Hearing

ARTICLE 10. ANIMAL CREMATORY MINIMUM STANDARDS

Section

- R3-11-1001. Definitions
- R3-11-1002. Obtaining an Animal Crematory License
- R3-11-1003. Renewing an Animal Crematory License
- R3-11-1005. Minimum Standards for an Animal Crematory
- R3-11-1006. Minimum Operating Standards for an Animal Crematory
- R3-11-1007. Written Procedures Required
- R3-11-1008. Recordkeeping Requirements

- R3-11-1009. Change in a Responsible Owner
- R3-11-1010. Change in Operator

ARTICLE 1. GENERAL PROVISIONS

R3-11-101. Definitions

A. The definitions in A.R.S. §§32-2201, 32-2216(B), 32-2231(D), 32-2232(23), and 32-2281(E) apply to this Chapter.

B. ~~The following definitions apply to~~ Additionally, in this Chapter, unless otherwise specified:

1. “Administrative completeness review” means the Board’s process for determining that an individual has provided all of the information and documents required by A.R.S. §§ 32-2201 through 32-2296 and this Chapter for an application.
- ~~1-2.~~ No change
3. “Applicant” means an individual requesting a certificate, permit, license, or continuing education approval from the Board.
4. “Application packet” means the fees, forms, documents, and additional information the Board requires to be submitted by an applicant or on the applicant’s behalf.
- ~~2-5.~~ “Compartment” means an enclosure provided for the containment of to contain an animal.
- ~~3-6.~~ No change
 - a. No change
 - b. No change
- ~~4.~~ “Controlled substance” means the same as the definition in A.R.S. § 32-2201.
- ~~5-7.~~ “Credit hour” means ~~1~~ one clock hour of participation in continuing education.
- ~~6-8.~~ No change
9. “Days” means calendar days.
- ~~7-10.~~ No change
 - a. Pertaining to veterinary technicians, the written or oral instructions of a veterinarian responsible for an animal; or
 - b. No change
- ~~8-11.~~ “Disciplinary action” means a proceeding brought by the Board under A.R.S. § ~~32-2201 et seq.~~ Article 9 of these rules, or a state licensing agency or board Title 32, Chapter 21 or this Chapter.
- ~~9.~~ “Dispense” means the same as the definition in A.R.S. § 32-2281(E).
- ~~10-12.~~ No change
- ~~11-13.~~ No change
- ~~12-14.~~ No change

- ~~13.15.~~ “Livestock” means ~~the same as the definitions of~~ livestock and ratites as defined in A.R.S. §§ 3-1201 (5) and (10).
- ~~14.16.~~ No change
- ~~15.17.~~ No change
- ~~16.18.~~ No change
- ~~17.19.~~ “Over-the-counter drug” means the same as ~~the definition~~ prescribed in A.R.S. § 32-1901.
- ~~18.20.~~ “Party” means the same as ~~the definition~~ prescribed in A.R.S. § 41-1001.
- ~~19.21.~~ No change
- ~~20.22.~~ No change
- ~~21.23.~~ “Physical plant” means a building or an area within a building housing a licensed veterinary medical premise ~~or a licensed area within a building~~, including the architectural, structural, mechanical, electrical, plumbing, and fire protection elements of the building.
- ~~22.24.~~ “Prescription-only drug” means the same as ~~the definition~~ prescribed in A.R.S. § 32-1901.
- ~~23.25.~~ No change
- ~~24.~~ “Responsible veterinarian” means the same as in A.R.S. § 32-2201.
- ~~25.26.~~ No change
- ~~26.27.~~ No change
- ~~27.28.~~ No change
- ~~28.~~ “Veterinary assistant” means ~~an individual who is not a veterinary technician but was employed by a veterinarian to work under the supervision of the veterinarian for at least two years as set out in A.R.S. § 32-2242(B)(2).~~
29. “Veterinary medical premise” means a physical plant licensed by the Board on which veterinary medical services will be performed.
30. “Veterinary medical services” means the acts listed in A.R.S. § 32-2201~~(24)~~ (27).

R3-11-102. Board Meetings

The Board shall:

1. Hold its annual meeting in June of each year; ~~and~~
2. Make the date, time, and place of its annual meeting available to the public at least 20 days before the date of the annual meeting; ~~and~~
3. Post notice of a special meeting on its web site and bulletin board at least 24 hours before the special meeting.

R3-11-103. Renewal of Veterinary License Evaluating Board Services

- ~~A. According to A.R.S. § 32-2218, a license issued under the provisions of A.R.S. § 32-2201 et seq. expires on December 31 of every even-numbered year unless renewed.~~
- ~~B. A licensee shall meet the continuing education requirements of Article 4 of these rules as a condition of renewal of a license.~~
- ~~C. No later than February 1 of every odd-numbered year, a licensee shall submit to the Board:~~
- ~~1. A renewal form, provided by the Board, that is signed and dated by the licensee and contains:~~
 - ~~a. The licensee's name, residence, mailing and veterinary practice addresses, name of veterinary practice, and telephone numbers for residence and veterinary practice;~~
 - ~~b. A statement of whether the licensee is licensed to practice veterinary medicine in any other state of the United States, and if so, the name of the state, license number, license issuance date, and status of the license;~~
 - ~~c. A statement of whether a complaint has been filed during the two-year period preceding the renewal date against the licensee with a veterinary regulatory authority in another state, and if so, the date of the complaint, description of the complaint, and resolution of the complaint;~~
 - ~~d. A statement of whether the licensee is currently under investigation by a veterinary regulatory authority in another state, and if so, the name of the state, license number, and status of the investigation;~~
 - ~~e. A statement of whether, within the two-year period preceding the renewal date, any disciplinary action has been taken against the licensee's veterinary license in another state including:~~
 - ~~i. The name of the state;~~
 - ~~ii. The license number;~~
 - ~~iii. The reason for the disciplinary action;~~
 - ~~iv. Whether the disciplinary action is currently pending; and~~
 - ~~v. Whether the license has been suspended, revoked, or placed on probation;~~
 - ~~f. A statement of whether, within the two-year period preceding the renewal date, the licensee has been charged with a felony or any misdemeanor involving conduct that may affect patient health and safety including:~~
 - ~~i. The charged felony or misdemeanor;~~
 - ~~ii. The city, county, and state where the felony or misdemeanor took place;~~
 - ~~iii. The court having jurisdiction over the felony or misdemeanor;~~
 - ~~iv. Whether the charges were dismissed;~~
 - ~~v. If applicable, the date of the conviction;~~
 - ~~vi. Whether the conviction was set aside;~~

vii. Notice of expungement, if applicable;

viii. Notice of restoration of civil rights, if applicable; and

ix. Probation officer's name, address, and telephone number, if applicable;

~~g. A statement that the licensee has met the continuing education requirements in Article 4; and~~

~~h. A statement by the licensee that the information contained on the renewal application is true and correct.~~

~~2. The renewal fee required by the Board; and~~

~~3. A list of continuing education completed by the licensee that meets the requirements in Article 4 of these rules.~~

~~D. If a licensee fails to submit a license renewal form, renewal fee, or list of continuing education by February 1 of every odd-numbered year, the licensee shall immediately stop engaging in the practice of veterinary medicine until the licensee complies with the requirements in A.R.S. § 32-2218 and these rules.~~

~~E. Continued veterinary practice by a licensee who fails to comply with continuing education requirements or fails to submit a renewal application or fee shall constitute "probable cause" of criminal violations of A.R.S. § 32-2238(A)(4) for purposes of referral to the County Attorney's Office or the Office of the Attorney General for criminal prosecution, injunctive relief, or any other action provided by law.~~

Under A.R.S. § 32-2207(8)(c), a member of the public may evaluate the services provided by the Board by:

1. Submitting an evaluation form provided by the Board at the time services are provided,

2. Submitting comments through the Board's web site,

3. Submitting a letter to the Board, and

4. Attending and speaking at a Board meeting.

R3-11-105. Fees

A. No change

1. No change

2. No change

~~3. North American Veterinary Licensing Examination, application only \$100.00~~

~~4.~~ 3. No change

~~5.~~ 4. No change

~~6.~~ 5. No change

~~7.~~ 6. No change

~~8.~~ 7. No change

~~9.~~ 8. No change

~~10.~~ 9. No change

B. No change

1. No change
2. No change
3. No change
4. No change
5. Delinquency ~~penalty~~ fee authorized by A.R.S. § 32-2247 \$25.00
6. No change

C. No change

1. No change
2. No change
3. No change
4. No change
5. Penalty fee ~~under~~ authorized by A.R.S. § 32-2272(E) \$100.00

D. No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change
7. A directory in (3), (4), (5), or (6) issued on ~~a diskette~~ an electronic medium - \$5.00 and the applicable name and address fee

E. No change

F. No change

G. The Board shall charge \$10.00 for each audio ~~tape~~ recording.

H. The Board shall waive ~~any of~~ the charges in subsection (D) for charitable organizations and government entities.

R3-11-107. Residence and Veterinary Practice Addresses

- A.** Within 20 days after the issuance of a license or certificate, a licensee or certificate holder shall provide written notice to the Board of all residence and veterinary practice addresses.
- B.** A licensee or certificate holder shall provide written notice to the Board within 20 days after a change of residence or veterinary practice address.

R3-11-108. Time-frames for Licensure, Certification, Permit, and Continuing Education Approvals

~~A.~~ In addition to the definitions in R3-11-101, the following definitions apply to this Chapter unless otherwise specified:

- ~~1. “Administrative completeness review” means the Board’s process for determining that an individual has provided all of the information and documents required by A.R.S. §§ 32-2201 through 32-2296 and this Chapter for an application.~~
- ~~2. “Applicant” means an individual requesting a certificate, permit, license, or continuing education approval from the Board.~~
- ~~3. “Application packet” means the fees, forms, documents, and additional information the Board requires to be submitted by an applicant or on the applicant’s behalf.~~
- ~~4. “Days” means calendar days.~~

B.A. The overall time-frame described in A.R.S. § 41-1072(2) for each type of approval granted by the Board is set forth in Table 1. The applicant and the Executive Director of the Board may agree in writing to extend the overall time-frame. The overall time-frame and the substantive time-frame may not be extended by more than 25% of the overall time-frame.

C.B. The administrative completeness review time-frame described in A.R.S. § 41-1072(1) for each type of approval granted by the Board is set forth in Table 1.

1. The administrative completeness review time-frame begins:
 - ~~a. For approval to take a state veterinary examination, the North American Veterinary Licensing Examination, a national veterinary technician examination, or an Arizona veterinary technician examination, when the Board receives an application packet;~~
 - ~~b.a.~~ For approval or denial of a temporary permit, when the Board receives an application packet the written request for a temporary permit required under R3-11-301(A)(4);
 - ~~e.b.~~ For approval or denial of a veterinary medical license, when the ~~applicant takes a state veterinary examination or the North American Veterinary Licensing Examination required by A.R.S. § 32-2214~~ Board receives the application packet required under R3-11-201(A);
 - ~~d.c.~~ For approval or denial of a veterinary technician certificate, when the ~~applicant takes a national veterinary technician examination or Arizona veterinary technician examination required by A.R.S. § 32-2243~~ Board receives the application packet required under R3-11-606(A);
 - ~~e.d.~~ For approval or denial of a veterinary medical premises license, when the Board receives ~~an~~ the application packet required under R3-11-707;
 - ~~f.e.~~ For approval or denial of continuing education, when the Board receives ~~an the application packet~~ written request required under R3-11-402(B) containing a written request; and

- f. For approval or denial of a waiver of the continuing education requirement, when the Board receives the written request required under R3-11-405(A);
- g. For approval or denial of an animal crematory license, when the Board receives ~~an~~ the application packet required under R3-11-1002(B); and
- h. For approval or denial of a license or certificate renewal, when the Board receives a renewal application.

- 2. If ~~the~~ an application packet or request submitted under subsection (B)(1) is incomplete, the Board shall send ~~to~~ the applicant a written notice specifying the missing document or incomplete information. The administrative completeness review time-frame and the overall time-frame are suspended from the postmark date of the notice until the date the Board receives a complete application packet or request from the applicant.
- 3. If an application packet or request is complete, the Board shall send a written notice of administrative completeness to the applicant.
- 4. If the Board grants a license or approval during the time provided to assess administrative completeness, the Board shall not issue a separate written notice of administrative completeness.

D.C. The substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the postmark date of the notice of administrative completeness.

- 1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information or documentation. The time-frame for the Board to complete the substantive review is suspended from the postmark date of the comprehensive written request for additional information or documentation until the Board receives the additional information or documentation.
- 2. The Board shall send a written notice ~~approving the applicant to take an examination or~~ granting a license or other approval to an applicant who meets the qualifications and requirements in A.R.S. § 32-2201 through § 32-2296 and this Chapter.
- 3. The Board shall send a written notice of denial to an applicant who fails to meet the qualifications in A.R.S. § 32-2201 through § 32-2296 and this Chapter.

E.D. The Board shall consider an application withdrawn if, within 360 days from the ~~application submission~~ date on which the materials required under subsection (B)(1) are submitted, the applicant fails to:

- ~~1. Supply~~ supply the missing information under subsection ~~(C)(2)~~ (B)(2) or ~~(D)(4)~~ (C)(1); ~~or~~
- ~~2. Take the state, veterinary examination, the North American Veterinary Licensing Examination, a national veterinary technician examination, or the Arizona Veterinary Technician Examination.~~

F.E. An applicant who does not wish an application withdrawn under subsection (D) may request a denial in writing within 360 days from the application submission date.

G.F. If a time-frame's last day falls on a Saturday, Sunday, or an official state holiday, the next business day will be considered the time-frame's last day.

Type of Applicant	Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Veterinary Medical License by Examination (R3-11-201)	Approval to Take the North American Veterinary Licensing Examination	A.R.S. § 32-2214	60	15	45
Veterinary Medical License by Examination, Endorsement, or for a Specialty License (R3-11-201)	Approval to Take a State Examination	A.R.S. § 32-2214	60	15	45
Temporary Permittee (R3-11-301)	Temporary Permit	A.R.S. § 32-2216	30	15	15
Veterinary License by Examination, Endorsement, for a Specialty License, or Temporary Permittee (R3-11-103, R3-11-201, & R3-11-301)	Veterinary License or <u>Renewal</u>	A.R.S. §§ 32-2212 A.R.S. § <u>and</u> 32-2213	60	15	45
Veterinary Technician (R3-11-606)	Approval to Take a National Veterinary Technician Examination or State Examination	A.R.S. § 32-2243	60	15	45
Veterinary Technician	Veterinary	A.R.S. §§ 32-	60	30	30

(R3-11-606 & R3-11-607)	Technician Certificate <u>or</u> <u>Renewal</u>	2242 A.R.S. § and 32-2244			
Veterinary Medical Premises (R3-11-707)	Veterinary Medical Premises License <u>or</u> <u>Renewal</u>	A.R.S. §§ 32-2271 A.R.S. § and 32-2272	90	30	60
Animal Crematory (R3-11-1002 and R3-11-1003)	Animal Crematory License and <u>or</u> <u>Renewal</u>	A.R.S. § 32-2292	90	30	60
Licensee <u>or</u> certificate holder (R3-11-405)	Approval for <u>of</u> a Continuing Education Waiver	A.R.S. § 32-2207(8)	60	30	30
<u>Licensee Person</u> Requesting Continuing Education Pre-approval (R3-11-402)	Pre-approval of Continuing Education	A.R.S. § 32-2207(8)	60	30	30

Table 1. Time-frames (in days)

R3-11-109. ~~Office of the Ombudsman-Citizens~~ Arizona Ombudsman-Citizens' Aide

The Board shall notify the public about the existence of the ~~office of the ombudsman-citizens aide~~ Arizona Ombudsman-Citizens' Aide by providing the ~~ombudsman-citizens~~ ombudsman-citizens' aide's name, address, and telephone number on the Board's web site.

ARTICLE 2. APPLICATION AND EXAMINATION FOR LICENSURE

R3-11-201. Application for a Veterinary Medical License

- A.** An applicant for a veterinary medical license shall submit an application packet to the Board that contains:
1. A notarized application form signed by the applicant that contains the information set forth in A.R.S. § 32-2213;
 2. The documents required ~~in~~ under R3-11-203; and
 3. The applicable fees, payable by certified check or money order:

- a. If applying for a regular license, the applicant shall submit the application ~~and examination~~ fee required in R3-11-105.
- b. If applying for a license by endorsement under A.R.S. § 32-2215(C) or a specialty license under A.R.S. § 32-2215(D), the applicant shall submit the application and ~~examination fee, and the license issuance fee~~ fees required ~~in~~ under R3-11-105.
- ~~B.~~ ~~Unless waived by A.R.S. § 32-2215(D), an applicant shall arrange to have an official transcript of the applicant's scores from the North American Veterinary Licensing Examination sent directly to the Board office by the professional examination service preparing the examination.~~
- ~~C.~~ If an applicant has passed the North American Veterinary Licensing Examination and is required to take only the state examination, the applicant shall submit the application packet required under subsection (A) no later than 30 days before the date the applicant intends to take the state examination.
- ~~D.C.~~ If an applicant is required to take the North American Veterinary Licensing Examination ~~and state examination~~, the applicant shall ~~submit an application no later than 60 days before the date the applicant intends to take the examinations~~ apply directly to the National Board of Veterinary Medical Examiners.

R3-11-203. ~~Information Documents~~ Required for ~~Examination Qualification~~ with a License Application

- A. An applicant who is a veterinary student at the time of application shall submit with the application packet required under R3-11-201(A) a letter from the office of the dean of the veterinary college stating that the applicant is expected to graduate within 45 days following the ~~scheduled board examination next administration of the examination~~ required under A.R.S. § 32-2214(C).
- B. An applicant who is not a veterinary student at the time of application shall cause a transcript verifying receipt of the degree of doctor of veterinary medicine to be mailed from the college directly to the Board.
- ~~B.C.~~ At the time of application, ~~the~~ an applicant shall cause letters of character reference to be sent directly to the Board by three persons who are not related to the applicant and who have known the applicant for at least three years.
- ~~C.D.~~ At the time of application, an applicant who has experience in the field of veterinary medicine as a practicing veterinarian or as an employee of a licensed veterinarian shall cause a letter from a veterinarian ~~or colleague~~ or colleague indicating the professional qualifications and character of the applicant to be sent directly to the Board.
- ~~D.E.~~ ~~Any~~ An applicant who has been or is at the time of application a licensed veterinarian in another state shall cause each state board that has licensed the applicant to send directly to the ~~Arizona~~ Board a letter indicating the applicant's standing, including whether the applicant is currently under investigation or ever has been disciplined for violation of a veterinary medical practice act.
- ~~E.F.~~ ~~An~~ Unless waived under A.R.S. § 32-2215(C) or (D), an applicant who has successfully passed the North American Veterinary Licensing Examination within five ~~calendar~~ calendar years ~~preceding~~ before making application

~~for examination in Arizona~~ shall request that a transcript of the scores be forwarded to the Board directly ~~from~~
by the organization responsible for score reporting or the professional examination service.

F.G. At the time of application, an applicant shall submit to the Board a passport-type photograph of the applicant no larger than 1 1/2 x 2 inches that was taken during the preceding six months.

G.H. At the time of application, an applicant shall submit to the Board a typewritten letter or current resume summarizing the applicant's experience and qualifications.

I. As required under A.R.S. § 41-1080(A), at the time of application, an applicant shall submit to the Board the specified documentation of citizenship or alien status indicating the applicant's presence in the U.S. is authorized under federal law.

~~R3-11-103.~~ R3-11-204. Renewal of Veterinary License

A. According to A.R.S. § 32-2218, a license issued under ~~the provisions of A.R.S. § 32-2201 et seq.~~ Title 32, Chapter 21 expires on December 31 of every even-numbered year unless renewed.

B. A licensee shall meet the continuing education requirements of Article 4 of ~~these rules~~ this Chapter as a condition of renewal of a license.

C. No later than February 1 of every odd-numbered year, a licensee shall submit to the Board in writing or through the Board's online renewal process:

1. A renewal ~~form~~ application, provided by the Board, that is signed and dated by the licensee and contains:
 - a. No change
 - b. No change
 - c. A statement of whether a complaint has been filed during the two-year period preceding the renewal date against the licensee with a veterinary regulatory authority in another state, and if so, the name of the state, and the date ~~of the complaint~~, description ~~of the complaint~~, and resolution of the complaint;
 - d. A statement of whether the licensee is currently under investigation by a veterinary regulatory authority in another state, and if so, the name of the state, license number, and the nature and status of the investigation;
 - e. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - f. No change
 - i. No change
 - ii. No change

iii. No change

iv. No change

v. No change

vi. No change

vii. No change

viii. No change

ix. No change

g. A statement that the licensee has met the continuing education requirements in Article 4 of this Chapter; and

h. A statement by the licensee that the information contained on the renewal application is true and correct; ;

2. The renewal fee required by the Board; ~~and~~

3. If the documentation previously submitted under R3-11-203(I) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired; and

~~3.4.~~ A list of continuing education completed by the licensee that meets the requirements in Article 4 of ~~these rules~~ this Chapter.

D. If a licensee fails to submit ~~a license renewal form, renewal fee, or list of continuing education~~ the materials required under subsection (C) by February 1 of every odd-numbered year, the licensee shall immediately stop engaging in the practice of veterinary medicine until the licensee complies with the requirements in A.R.S. § 32-2218 and ~~these rules~~ this Chapter.

E. Continued veterinary practice by ~~a licensee~~ an individual who fails to comply with ~~continuing education requirements or fails to submit a renewal application or fee shall constitute~~ subsection (C) constitutes “probable cause” of criminal ~~violations~~ violation of A.R.S. § 32-2238(A)(4) for purposes of referral to the County Attorney’s Office or the Office of the Attorney General for criminal prosecution, injunctive relief, or any other action provided by law.

ARTICLE 3. TEMPORARY PERMITTEES

R3-11-301. Application ~~For~~ for a Temporary Permit

A. An applicant for a temporary permit shall:

1. Submit ~~an~~ to the Board the application ~~to the Board for licensure as form required in under~~ R3-11-201(A)(1) and the documents required under R3-11-203;

2. Submit to the Board both the application and examination fee and temporary permit fee, payable by certified check or money order, required ~~in under~~ R3-11-105 ~~to the Board;~~

3. Schedule with the Board a date to take the state examination ~~with the Board;~~

4. After complying with subsections (A)(1) through (3), submit all of the following to the Board:
 - a. A written request for a temporary permit, signed by the applicant, that states:
 - i. The name and business address of the licensed veterinarian who will employ the applicant; and
 - ii. The name of each licensed veterinarian who will provide ~~direction~~ direct and personal instruction, control, or supervision, ~~and control~~ of the applicant;
 - b. Written documentation of graduation from a veterinary college; and
 - c. A sworn affidavit, signed by the applicant, stating the applicant:
 - i. Has graduated from a veterinary college;
 - ii. Has read and understands A.R.S. § 32-2216 and ~~R3-11-301~~ this Section;
 - iii. Agrees to work under the ~~direction~~ direct and personal instruction, control, or supervision, ~~and control~~ of the licensed veterinarian employing the applicant; and
 - iv. Agrees to notify the Board in writing within 10 days from the date of termination of employment.

B. A licensed veterinarian employing an applicant for a temporary permit shall submit to the Board:

1. A letter detailing:
 - a. The type of work to be conducted by the applicant;
 - b. The name of each licensed veterinarian who will assume ~~direction~~ direct and personal instruction, control, or supervision, ~~and control~~ when the employing veterinarian is absent; and
 - c. The procedures, including frequency, for reviewing medical treatment and records of medical treatment of animals;
2. A sworn affidavit, signed by the veterinarian, stating the veterinarian:
 - a. Is currently practicing veterinary medicine in Arizona;
 - b. Has read and understands A.R.S. § 32-2216 and ~~A.A.C. R3-11-301~~ this Section;
 - c. Accepts full responsibility for providing ~~direction~~ direct and personal instruction, control, or supervision, ~~and control~~ to the applicant; and
 - d. Agrees to notify the Board in writing within 10 days from the date of termination of applicant's employment.

R3-11-302. ~~Termination of Employment~~ Repealed

~~A temporary permittee and the temporary permittee's employer shall notify the Board in writing within 10 days from the date the temporary permittee ceases to be employed by a veterinarian who is providing direction, supervision, and control.~~

R3-11-304. Extension of Temporary Permits

A. The Board shall extend a temporary permit as allowed by A.R.S. § 32-2216(B), only if the temporary permittee submits ~~the application required by R3-11-301, qualifies under A.R.S. § 32-2216(B) and this~~

~~Article~~, to the Board evidence of good and sufficient reason for failing to take the scheduled state examination and evidence that the temporary permittee is scheduled to take the next state examination following issuance of the extension.

B. As provided under A.R.S. § 32-2216(B), the Board shall not extend a temporary permit a second time.

ARTICLE 4. CONTINUING EDUCATION REQUIREMENTS

R3-11-401. Continuing Education

A. ~~During~~ Except as provided in subsection(B), during the two-year period preceding license expiration, a licensee shall complete 20 credit hours of Board-approved continuing education, subject to the following:

1. A maximum of two credit hours in practice management;
2. One credit hour for each hour of attendance at a veterinary college seminar;
3. One credit hour for each hour of attendance at a scientific meeting related to veterinary medicine;
4. ~~A One credit hour, to a maximum of five, credits hours for:~~
 - a. Each hour spent developing or ~~presenting~~ making a presentation related to veterinary medicine,
 - b. Each hour of study using tapes or CDs, and
 - c. Each hour spent reading articles in veterinary journals or periodicals pertaining to veterinary medicine or controlled substances; and
5. One credit hour for each hour of continuing education obtained at an interactive program, including an interactive program on the internet.

B. A licensee receiving an initial license in an even-numbered year ~~is required to~~ shall complete 10 credit hours of continuing education before the licensee's initial renewal date.

~~1.C.~~ If the a licensee graduated from a veterinary college within 11 months before the license application date, the licensee may apply 10 credit hours of veterinary college course work to fulfill the continuing education requirement at the time of first renewal.

~~2. After the initial renewal the licensee shall complete 20 credit hours of continuing education as required under subsection (A).~~

~~C.D.~~ ~~During~~ Except as provided in subsection (E), during the two-year period preceding certificate expiration, a certificate holder shall complete 10 credit hours of Board-approved continuing education, subject to the following:

1. One credit hour for each hour of attendance at a veterinary college seminar;
2. One credit hour for each hour of attendance at a class at a veterinary technology school;
3. One credit hour for each hour of attendance at a scientific meeting related to the work of a veterinary technician;
4. ~~A One credit hour, to a maximum of two and one-half, credits hours for:~~

- a. Each hour spent developing or ~~presenting~~ making a presentation related to the work of a veterinary technician;
 - b. Each hour of study using tapes or CDs; and
 - c. Each hour spent reading articles in veterinary journals or periodicals pertaining to veterinary medicine or controlled substances; and
5. One credit hour for each hour of continuing education obtained at an interactive program, including an interactive program on the internet.

D.E. A certificate holder receiving an initial certificate in an even-numbered year shall complete five credit hours of continuing education before the certificate holder's ~~initial~~ first renewal date. ~~Thereafter, the certificate holder shall complete 10 credit hours of continuing education for the licensing period.~~

R3-11-402. Approval of Continuing Education

A. The following continuing education is approved by the Board:

1. For a veterinarian:
 - a. Continuing education taught in or under the authority of a veterinary college;
 - b. Continuing education sponsored by the Arizona Veterinary Medical Association, American Association of Veterinary State Boards, a state or national veterinary association or academy approved by the Board, or continuing education approved according to subsections (B) and (C); or
 - c. Continuing education approved by RACE;
2. For a veterinary technician:
 - a. Continuing education taught in or under the authority of a veterinary technician school or school of veterinary medicine;
 - b. Continuing education sponsored by the Arizona Veterinary Medical Association or American Association of Veterinary States Boards or approved by RACE;
 - c. Continuing education approved by the Board that is sponsored by a state or national veterinary technician association or academy;
 - d. Continuing education approved by RACE of the American Association of Veterinary State Boards; or
 - e. Continuing education approved according to subsections (B) and (C).

B. In addition to the continuing education approved according to subsection (A), a person who provides continuing education may request pre-approval of continuing education by submitting to the Board at least ~~75~~ 60 calendar days before the continuing education takes place, ~~an application packet that contains~~ a written request that includes:

1. A description of the continuing education;
2. The date, time, and place where the continuation education will take place;
3. The number of credit hours of the continuing education;

4. The name of each individual providing the continuing education, if available; and
 5. The name of the organization providing the continuing education, if applicable.
- C. In determining whether to approve ~~an application~~ a request for pre-approval submitted according to subsection (B), the Board shall consider whether the continuing education:
1. Is designed to provide instruction or knowledge in current developments, skills, and procedures related to veterinary medicine or work of a certificate holder;
 2. Is developed and provided by an individual with knowledge and experience in the subject area; and
 3. Contributes directly to the professional competence of the licensee or certificate holder.
- D. The Board shall approve or deny a request for pre-approval according to the time-frames set forth in Table 1.

R3-11-403. Documentation of Attendance

~~Except as stated in R3-11-401(B), a~~ A licensee or certificate holder shall submit a written document of continuing education with a renewal application that includes:

1. The name of the licensee or certificate holder;
2. The title of each continuing education ~~course~~;
3. The date of completion of each continuing education ~~course~~;
4. The number of credit hours of each continuing education ~~course~~;
5. A statement, signed and dated by the licensee or certificate holder, verifying the information in the document; and
6. If the continuing education was obtained on the internet, a copy of a document issued by the provider of the continuing education that states the number of hours obtained ~~on the internet~~.

R3-11-405. Waiver

- A. A licensee or certificate holder seeking a waiver from the continuing ~~educational~~ education requirements in this Article shall submit a written request to the Board by December 10th before the license or certificate expires that contains the licensee's or certificate holder's name, ~~reason for the request~~, and an explanation of the reason for the request. ~~The Board shall comply with the time frames in R3-11-108 when granting or denying the request for a waiver.~~
- B. The Board shall consider the following in determining whether to grant a waiver from the continuing education requirements in this Article:
1. Illness or disability,
 2. Military service or absence from the United States, or
 3. Any other circumstance demonstrated by the licensee or certificate holder to be beyond the licensee's or certificate holder's control.

ARTICLE 5. STANDARDS OF PRACTICE

R3-11-501. Ethical Standards

~~According to A.R.S. § 32-2232(A)(12)~~ Under A.R.S. § 32-2232(12), a veterinarian practicing under a license or permit shall practice according to the following standards of professional ethics, which are based on the Principles of Veterinary Medical Ethics of the American Veterinary Medical Association, ~~published by the American Veterinary Medical Association in 1999~~. The breach of any of the following standards constitutes grounds for disciplinary action against a veterinary license or permit under A.R.S. §§ 32-2233 and 32-2234.

1. A veterinarian shall ~~strive to~~ show respect for the veterinarian's colleagues, the owner of an animal to whom veterinary medical services are being provided, and the public through courteous verbal or written interchange, considerate treatment, professional appearance, professionally acceptable procedures, and ~~the utilization~~ use of current professional and scientific knowledge.
2. A veterinarian shall not slander or injure the professional standing or reputation of another member of the profession or condemn the character of that individual's professional acts in a false or misleading manner.
3. A veterinarian shall offer or seek a consultation or a referral whenever it appears that the quality of veterinary medical service provided by the veterinarian will be enhanced.
4. When a veterinarian agrees to provide veterinary medical services to an animal, the veterinarian shall comply with the standards of practice in R3-11-502 regardless of the fees charged.
5. A ~~responsible veterinarian~~ Responsible Veterinarian employed by a partnership, corporation, or individual; that is not licensed by the Board shall ensure that the veterinary judgment and responsibility of each veterinarian employed by the partnership, corporation, or individual is neither influenced nor controlled by the partnership, corporation, or individual to the detriment of ~~the~~ an animal.
6. A veterinarian shall ensure that emergency services are consistent with A.R.S. § 32-2201 through § 32-2296, this Chapter, and the needs and standards of the locality where the emergency medical services are provided.
7. A veterinarian is free to choose whom the veterinarian will serve within the limits of the law. A veterinarian who agrees to provide veterinary medical services to an animal is responsible for the welfare of the animal until the animal is released, referred, or discharged by the veterinarian or the veterinarian is dismissed by the animal owner.
8. A veterinarian shall provide records or copies of records of veterinary medical services, including copies of radiographs, to an animal owner or another licensed veterinarian currently providing veterinary medical services within 10 ~~calendar~~ days from the date of the animal owner's or other licensed veterinarian's request, or in less than 10 ~~calendar~~ days if the animal's medical condition requires.

9. A veterinarian shall not make a false statement on or alter any document, record, or report concerning treatment of an animal.

R3-11-502. Standards of Practice

- A. Before providing a veterinary medical service or housing an animal, a ~~responsible veterinarian~~ Responsible Veterinarian shall ensure that the animal owner is provided a written notice that states whether personnel will be present on the veterinary medical premises for 24-hour observation of the animal.
- B. A ~~responsible veterinarian~~ Responsible Veterinarian shall ensure that a notice of where veterinary medical services may be obtained when the veterinary medical premises is not open for business:
1. Is placed on the voice mail of the veterinary medical premises; and
 2. Contains the name, telephone number, and address of ~~the a~~ a veterinarian or veterinary medical premises that is available to provide veterinary medical services. Livestock veterinarians are exempt from providing an address.
- C. Before providing a veterinary medical service, a veterinarian shall ensure that the animal owner or the animal owner's agent is provided an estimate of the cost for the veterinary medical service, except in the case of livestock.
- D. When providing a veterinary medical service, a veterinarian shall ensure that no expired supplies are used.
- E. Before ~~an a~~ a surgical patient or hospitalized animal is discharged, a veterinarian shall ensure that the animal owner is provided with instructions detailing ~~the~~ care of the animal after discharge and documents in the medical record that verbal or written care instructions were provided.
- F. Before euthanizing an animal for which the animal owner is known, a veterinarian shall obtain ~~written~~ signed authorization from the animal owner or verbal authorization from the animal owner that is witnessed by one other individual and documented in the medical record.
- G. ~~A veterinarian shall separate an animal with a suspected or diagnosed contagious disease or illness so neither the animal nor the interior of the animal's compartment comes into contact with another animal or the other animal's compartment.~~ For animals with a suspected or diagnosed contagious disease or illness, a veterinarian shall provide a separate isolation area that is not in close proximity to other animals and shall ensure that the ill animal does not come into contact with another animal or the other animal's compartment.
- H. If general anesthesia is administered or surgery is performed on an animal by a veterinarian, the veterinarian shall ensure:
1. ~~Authorization~~ A prior signed authorization to perform surgery is obtained from the animal owner if the animal owner is known, ~~before surgery is performed~~ or verbal authorization that is witnessed by one other individual and documented in the medical record is obtained from the known animal owner. This provision does not apply to livestock;

2. Within six hours before anesthesia is administered or surgery is performed, the animal is examined and the animal's temperature, heart rate, respiratory rate, diagnosis, and general condition are recorded in the animal's medical record except for species or in situations that make the examination impractical or potentially detrimental to the animal or examiner;
 3. The animal's heart rate and respiratory rate are recorded in the animal's medical record immediately after giving the animal a general anesthetic and monitored and recorded a minimum of every 15 minutes while anesthesia is being administered except for species or in situations that make the examination impractical or potentially detrimental to the animal or examiner;
 4. After the animal is given a general anesthetic, the animal is continuously observed by personnel until the animal is extubated and able to swallow; and
 5. The following information is recorded in a written anesthesia log, which is separate from both the controlled drug log maintained under subsection (K) and medical record of each animal maintained under subsection (L) which and is maintained on the veterinary medical premises for three years from the date the anesthesia is administered:
 - a. The animal's name and species,
 - b. The name of the animal owner,
 - c. The date of administration of the anesthesia,
 - d. The recovery status of the animal, and
 - e. The name of the veterinarian ~~administering the anesthesia~~.
- I.** A veterinarian shall follow manufacturer's label requirements for the storage and handling of biologics, veterinary supplies, and veterinary medications.
- J.** A veterinarian who dispenses a prescription-only drug shall:
1. Comply with all federal and state laws, including A.A.C. Title 3, Chapter 11, Article 8, regarding the dispensing of a prescription-only drug; and
 2. Ensure that a prescription-only drug or prescription-only device is destroyed or returned to the manufacturer or distributor no later than 30 days after its expiration date.
- K.** A veterinarian who dispenses or administers a controlled substance shall:
1. Comply with all federal and state laws including A.A.C. Title 3, Chapter 11, Article 8;
 2. Maintain an inventory record on the veterinary medical premises for two years from the date of entry of each controlled substance purchased by the veterinarian that contains the:
 - a. Name of the controlled substance,
 - b. Strength of the controlled substance,
 - c. Date the controlled substance was received by the veterinarian,
 - d. Amount of the controlled substance received by the veterinarian,
 - e. Name of the distributor of the controlled substance, and

- f. Invoice number; and
- 3. Maintain a dispensing or administration log on the veterinary medical premises, separate from the inventory record required under subsection (K)(2), for two years from the date of entry that contains for each controlled substance dispensed or administered the:
 - a. Name of the controlled substance,
 - b. Strength of the controlled substance,
 - c. Amount of the controlled substance,
 - d. Name of the animal to ~~whom~~ which dispensed or administered,
 - e. Name of the animal owner,
 - f. Date dispensed or administered, ~~and~~
 - g. Name of the veterinarian who dispensed or administered the controlled substance, ~~and~~
 - h. Decrementing amounts of the controlled substance quantifying the amount remaining.
- L. Except as provided in subsection (N), a veterinarian shall maintain on the veterinary medical premises for three years after the last date an animal receives veterinary medical services a written medical record containing the:
 - 1. Name, address, and telephone number of the animal owner;
 - 2. Description or color photograph, sex, breed, weight, and age of the animal;
 - 3. Date of veterinary medical services and date a written entry is made to the medical record, if the entry is made on a date other than when the veterinary medical services were provided;
 - 4. Results of examination, including temperature, heart rate, respiratory rate, and general condition of the animal, except for livestock and species or in situations that make the examination impractical or potentially detrimental to the animal or examiner;
 - 5. The animal's tentative or definitive diagnosis;
 - 6. Treatment provided to the animal;
 - 7. Name of each medication administered including:
 - a. Concentration, except when the medication is only offered in one size and strength;
 - b. Amount;
 - c. Frequency; and
 - d. Route of administration;
 - 8. Name of each medication prescribed including concentration, amount, and frequency;
 - 9. Name and result of each diagnostic and laboratory test conducted;
 - 10. Signature or initials of each individual placing an entry in the medical record; and
 - 11. Signature or initials of the veterinarian performing the veterinary medical services.

- M.** A veterinarian shall ensure that a radiograph of an animal is permanently labeled with the following information and maintained on the veterinary medical premises for three years from the last date an animal receives veterinary medical services:
1. The name of the animal owner,
 2. The name of the animal,
 3. The date the radiograph was taken,
 4. The name of the veterinarian or veterinary medical premises, and
 5. The anatomical orientation.
- N.** A veterinarian who administers a rabies vaccine to an animal on behalf of an animal control agency or animal shelter and provides no other veterinary medical service to the animal:
1. Is exempt from the requirements of subsection (L);
 2. Shall generate a rabies vaccination record for each animal vaccinated that includes:
 - a. The name and address of the animal owner;
 - b. A description or color photograph of the animal that includes species, breed, sex, age, and color;
 - c. The date of vaccination;
 - d. The vaccine manufacturer's name;
 - e. The serial number of the vaccine used;
 - f. The date revaccination is due; and
 - g. The veterinarian's signature; and
 3. Shall provide a copy of each rabies vaccination record to the veterinary medical premises, animal control agency, or animal shelter at which the rabies vaccination was provided. If a copy of the rabies vaccination record is provided to the veterinary medical premises, the veterinary medical premises shall maintain the record for at least three years from the date of vaccination.
- O.** In this Section, unless otherwise specified:
1. "Animal control agency" means a board, commission, department, office, or other administrative unit of federal or state government or of a political subdivision of the state that is responsible for controlling rabies in animals in a specific geographic area.
 2. *"~~[A]nimal~~ Animal shelter" means a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit corporate organization devoted to the welfare, protection and humane treatment of animals. A.R.S. § 11-1022(~~F~~) (H).*

ARTICLE 6. VETERINARY TECHNICIANS

R3-11-601. Definition Repealed

~~For the purposes of this Article "veterinary technician" means a person who-~~

- ~~1. Is employed by and works under the direction, supervision, and control of an Arizona licensed veterinarian;~~
- ~~2. Performs acts requiring judgment based on education or experience, knowledge, and application of the principles of animal technology in the care or maintenance of the health or the prevention of illness of animals;~~
- ~~3. Has passed a national and a state veterinary technician examination; and~~
- ~~4. Is not licensed by the Board to practice veterinary medicine.~~

R3-11-604. Examinations

- A. The Board shall hold a veterinary technician examination at least once a year. A minimum of 20 days before the examination, the Board shall send an applicant a written notice of the date, time, and place of the examination.
- B. An applicant shall pass a national veterinary technician examination and an Arizona veterinary technician examination with a score of at least 70% percent on each examination before being certified by the Board.
- C. ~~If an~~ An applicant has passed with a passing score on either a the national veterinary technician examination or an the Arizona veterinary technician examination within 5 shall retake the examination if the applicant does not obtain certification within five years before ~~after~~ the date of the application, ~~the applicant is not required to retake the examination that was passed.~~
- D. An applicant who meets all the requirements in A.R.S. § 32-2242(D) is not required to retake the national veterinary technician examination. However, an applicant who meets all the requirements in A.R.S. § 32-2242(D) shall pass the Arizona veterinary technician examination within five years before obtaining certification.

R3-11-606. Application for a Veterinary Technician Certificate

- A. ~~No later than 65 days before an examination date~~ Except as provided in subsection (B), an applicant for a veterinary technician certificate shall submit, at least 65 days before an examination date, an application packet to the Board that contains:
 1. A notarized application form, signed by the applicant, containing:
 - a. The applicant's name, mailing address, residence and business telephone numbers, and ~~social security~~ Social Security number;
 - b. The name of the veterinarian currently employing applicant, if employed by a veterinarian;
 - c. The name and address of the veterinary premises where applicant is employed, if employed; and
 - d. A statement of whether application is being made on the basis of education or ~~experience~~ transfer from another state;

- i. If application is based ~~upon~~ on education, the applicant shall submit written documentation of graduation from a school that meets the requirements in A.R.S. § 32-2242(B)(4) with a curriculum in veterinary technology; or
 - ii. If application is based ~~upon experience~~ on transfer from another state, the applicant shall submit the information required in (d)(i) and information required in subsection (3) proof required under A.R.S. § 32-2242(D);
2. ~~The date of the applicant's~~ If an applicant has passed a national veterinary technician examination, if taken before submission of the application for certification. The the applicant shall provide the date on which the applicant took the examination and arrange to have an official transcript of the applicant's scores from the national veterinary technician examination sent directly to the Board ~~office~~ by the ~~professional examination service preparing the examination~~ American Association of Veterinary State Boards;
 3. ~~A notarized letter, as required in A.R.S. § 32-2242, from each Arizona licensed veterinarian who employed the applicant during the two years the applicant served as a veterinary assistant, verifying the employment, indicating the length of employment, and recommending the applicant; and~~ An applicant who has been or is at the time of application certified or registered in another state as a veterinary technician shall cause each state board that has certified or registered the applicant to send directly to the Board a letter indicating the applicant's standing, including whether the applicant is currently under investigation or has ever been disciplined for violation of a veterinary technician or medical practice act;
 4. As required under A.R.S. § 41-1080(A), an applicant shall submit to the Board the specified documentation of citizenship or alien status indicating the applicant's presence in the U.S. is authorized under federal law; and

4.5. A certified check or money order for the application and examination fee required in R3-11-105.

B. A veterinary technician student who expects to graduate at least 30 days before an examination date shall submit to the Board, no later than 65 days before the examination date:

1. ~~The~~ the application required ~~in~~ under subsection (A); and
2. ~~Instead of except, rather than the requirements in~~ documentation required under subsection (A)(1)(d)(i), a letter from the dean of the school that indicates the applicant is in good standing and states the expected date of graduation.

C. A veterinary technician student who submits an application ~~according to~~ under subsection (B) shall submit to the Board the ~~documents~~ documentation required ~~in~~ under subsection (A)(1)(d)(i) no later than 15 days following the date of graduation.

R3-11-607. Renewal of Veterinary Technician Certificate

A. No later than February 1 of every odd-numbered year, a certificate holder shall submit:

1. A signed and dated renewal application form, which is provided and mailed to the certificate holder by the Board, ~~that is signed and dated by the certificate holder and contains~~ containing the following information:
 - a. The certificate holder's name, residence address, work address, and work telephone number ~~for work address~~;
 - b. A statement of whether, within the two-year period preceding the renewal date, the certificate holder has been charged with a felony or any misdemeanor involving conduct that may affect patient health and safety including:
 - i. The charged felony or misdemeanor;
 - ii. The city, county, and state where the felony or misdemeanor took place;
 - iii. The court having jurisdiction over the felony or misdemeanor;
 - iv. Whether the charges were dismissed;
 - v. The date of the conviction;
 - vi. Whether the conviction was set aside;
 - vii. Notice of expungement, if applicable;
 - viii. Notice of restoration of civil rights, if applicable; and
 - ix. Probation officer's name, address, and telephone number, if applicable; and
 - c. A statement by the certificate holder that the information contained on the renewal form is true and correct.
 2. The written documentation of continuing education required ~~in~~ under R3-11-403; ~~and~~
 3. If the documentation previously submitted under R3-11-606(A)(4) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired; and
 - ~~3.4.~~ The fee required by the Board under R3-11-105.
- B.** A certificate holder who fails to submit the certificate renewal fee; and information required ~~in~~ under subsection (A) before February 1 of every odd-numbered year:
1. Forfeits all privileges and rights extended by the certificate, and
 2. Shall immediately cease performing veterinary technician services until the certificate holder:
 - a. Complies with the requirements of subsection (A), and
 - b. Pays the delinquency fee required ~~in~~ under R3-11-105 in addition to the certificate renewal fee.

ARTICLE 7. VETERINARY MEDICAL PREMISES AND EQUIPMENT

R3-11-701. General Veterinary Medical Premises Standards

A ~~responsible veterinarian~~ Responsible Veterinarian shall ensure that:

1. The physical plant of a veterinary medical premises conforms to state and local building and fire codes and local zoning requirements;
2. A veterinary medical premise's identification is visible to the public from the outside of its physical plant. The identification includes the hours of operation and shall be placed so that it is unobstructed from public view. If the hours of operation include hours after dusk, a means of illuminating the sign shall be provided and used during the hours of operation after dusk;
3. Floors, tables, countertops, sinks, and fixtures within the veterinary medical premises are made of nonporous materials that can be sanitized.
4. Water and a means of achieving water temperatures from 32°F to 212°F is provided on the veterinary medical premises;
5. Refrigerated storage space, large enough to contain all deceased animals except livestock, is provided on the veterinary medical premises, pending necropsy and disposal pick-up or, in the case of a mobile unit, if requested by the client, arrangements are made for disposal of the body, except livestock;
6. Storage space is provided on the veterinary medical premises for biohazardous medical waste pending disposal pick-up;
7. If animals, other than livestock, will be housed on a veterinary medical premises, an individual compartment, equipped with a latch, for each animal housed on the veterinary medical premises is provided; ~~and~~
8. A sharps container is provided on the veterinary medical premises- ; and
9. A working scale is provided at the veterinary medical premises for use with animals other than livestock.

R3-11-702. Equipment and Supplies

A ~~responsible veterinarian~~ Responsible Veterinarian shall ensure that equipment and supplies are available on the veterinary medical premises of an adequate number and type to provide the veterinary medical services that are offered at the veterinary medical premises.

R3-11-703. Maintenance Standards for a Veterinary Medical Premises

A ~~responsible veterinarian~~ Responsible Veterinarian shall ensure that:

1. All exits, corridors, and passageways inside and outside the veterinary medical premises are unobstructed at all times;
2. Combustible material such as paper, boxes, ~~or~~ and rags are not allowed to accumulate inside or outside the veterinary medical premises;
3. Temperatures are maintained between 65°F and 90°F in each room where an animal, ~~2~~ other than livestock, is treated or housed;

4. Floors, countertops, tables, sinks, and any other equipment or fixtures used in a veterinary medical premises are maintained in a clean condition and sanitized after contact with an animal or animal tissue; and
5. Animal compartments are cleaned and sanitized at least once every 24 hours when an animal, other than livestock, is being housed and after each animal, other than livestock, vacates the compartment.

R3-11-705 . Mobile Clinics

- A. Except for R3-11-701(1), R3-11-701(2), R3-11-701(5), and R3-11-701(6) the application process and standards contained in this Article apply to mobile clinics.
- B. A ~~responsible veterinarian~~ Responsible Veterinarian shall ~~provide~~ ensure that a mobile clinic ~~with~~ has:
1. An electrical power source;
 2. Storage space for biohazardous waste pending disposal pick-up; and
 3. Storage space, separate from storage space in subsection (B)(2), for the transportation of a deceased animal.

R3-11-706. Mobile Units

A ~~responsible veterinarian~~ Responsible Veterinarian shall:

1. Ensure that controlled substances and prescription-only drugs are maintained accessible only to authorized personnel,
2. Meet manufacturer's label requirements for the storage and handling of biologics and veterinary supplies and medications requiring temperature control, and
3. Maintain sterile surgical supplies and equipment.

R3-11-707. Application for a Veterinary Medical Premises License

An applicant for a veterinary medical premises license shall:

1. Submit the following to the Board:
 - a. A notarized application form, signed by the ~~responsible veterinarian~~ Responsible Veterinarian, that contains the information set forth in A.R.S. § 32-2272; and
 - b. The fee required in R3-11-105, payable by certified check or money order; and
2. Pass an inspection conducted by the Board.

ARTICLE 8. DRUG DISPENSING

R3-11-801. Notification that Prescription-only Drugs or Controlled Substances May Be Available at a Pharmacy

- A. A dispensing veterinarian shall notify an animal owner that some prescription-only drugs and controlled substances may be available at a pharmacy by:
1. Stating the availability at or before the time of dispensing;
 2. Posting a written statement that is visible to the animal owner; or
 3. Providing the animal owner with written notification.
- B. A dispensing veterinarian may provide a written, electronic, or telephonic prescription ~~to the animal owner~~ if requested by an animal owner and the dispensing veterinarian:
1. Has a valid doctor-patient relationship with the animal, and
 2. Determines that providing the prescription is in the best interest of the animal.

R3-11-802. Labeling Requirements

A veterinarian shall dispense a prescription-only drug or a controlled substance in a container bearing a legible label that sets forth all of the information in required under A.R.S. § 32-2281(A)(1), ~~and the name and telephone number of the veterinary medical premises from which the prescription-only drug or controlled substance is dispensed.~~

ARTICLE 9. INVESTIGATIONS AND HEARINGS

R3-11-901. Investigations of Alleged Violations

- A. A person may notify the Board of an alleged violation of A.R.S. §§ 32-2201 through 32-2296 and this Chapter. The Board also may initiate a complaint on its own motion.
- B. The Board shall send a written notice ~~of the complaint~~ to the licensee or certificate holder who is the subject of a complaint. The licensee or certificate holder shall provide a written response and all relevant records or documents concerning the complaint if requested by the Board, no later than 15 days from the date of the notice. If a medical record is relevant to the complaint, the licensee or certificate holder shall ensure that the version of the medical record provided to the Board is typewritten.
- C. The Board may request the ~~complainant or the~~ licensee or certificate holder to reply to any statements or documents the Board receives concerning a complaint. If the Board requests the ~~complainant or~~ licensee or certificate holder to provide the Board with additional information concerning a complaint, the ~~complainant or~~ licensee or certificate holder shall respond in writing within 15 days from the date of the request.
- D. The Board may request the complainant and other witnesses or the licensee or certificate holder to appear before the Board to assist in the Board's investigation.

R3-11-902. Informal Interview

A. The Board shall conduct an informal interview under A.R.S. § 32-2234, 32-2249, 32-2274, or 32-2294 as follows:

1. The Board shall send a written notice of the informal interview to ~~all parties~~ the licensee or certificate holder by personal service or certified mail, return receipt requested, at least 20 days before the informal interview. The Board shall ensure that the notice contains:
 - a. The time, place, and date of the informal interview;
 - b. An explanation of the informal nature of the ~~informal~~ interview;
 - c. A statement of the subject matter or issues involved;
 - d. The licensee's or certificate holder's right to appear with or without ~~counsel~~ the assistance of an attorney;
 - e. A notice that if a licensee or ~~complainant~~ certificate holder fails to appear at the informal interview, the informal interview may be held in the licensee's or ~~complainant's~~ certificate holder's absence; and
 - f. The licensee's or certificate holder's right to a formal hearing held according to A.R.S. § 32-2234, 32-2249, 32-2274, or 32-2294.
2. During the informal interview:
 - a. The Board may:
 - i. Swear in the licensee or certificate holder and all witnesses;
 - ii. Question the licensee or certificate holder and all witnesses; and
 - iii. Deliberate.
 - b. The licensee or certificate holder may question witnesses.
3. At the conclusion of the informal interview the Board may:
 - a. Order additional investigation;
 - b. Order another informal interview;
 - c. Dismiss the complaint;
 - d. Impose disciplinary sanctions authorized by A.R.S. § 32-2234, 32-2249, 32-2274, or 32-2294 if a violation is found; or
 - e. Order a formal hearing on the complaint.

B. The Board shall issue written findings of fact, conclusions of law, and order of the Board no later than 60 days from the date of the conclusion of the informal interview.

C. A licensee, certificate holder, or the Board may seek a ~~Board~~ rehearing or review of a Board decision as stated in A.A.C. R3-11-904 or A.R.S. § 41-1092.02.

R3-11-903. Formal Hearing

- A. If a formal hearing under A.R.S. § 32-2234, 32-2249, 32-2274, or 32-2294 is to be held before an administrative law judge, the requirements in A.R.S. § 41-1092 through 41-1092.11 apply.
- B. If a formal hearing under A.R.S. § 32-2234, 32-2249, 32-2274, or 32-2294 is to be held directly before the Board, the requirements in A.R.S. § 41-1092 through 41-1092.11 and the following apply:
1. The Board shall provide a written complaint and notice of formal hearing to a licensee or certificate holder at the licensee's or certificate holder's last known address of record, by personal service or certified mail, return receipt requested at least 30 days before the date set for the formal hearing;
 2. A licensee or certificate holder served with a complaint and notice of hearing shall file an answer by the date specified in the notice of hearing admitting or denying the allegations in the complaint;
 3. A complaint and notice of hearing may be amended at any time. The Board shall send written notice of any changes in the complaint and notice of hearing to the licensee or certificate holder at least 20 days before a formal hearing;
 4. The licensee or certificate holder may appear at the formal hearing with or without the assistance of an attorney. If the licensee or certificate holder fails to appear, the Board may hold the formal hearing in the licensee's or certificate holder's absence;
 5. The Board may conduct a formal hearing without adherence to the rules of procedure or rules of evidence used in civil proceedings. At the formal hearing, the Board shall rule on the procedure to be followed and admissibility of evidence; and
 6. The Board shall send a written decision that includes written findings of fact, conclusions of law, and order ~~of the Board~~ to the licensee or certificate holder ~~and all parties~~ within 60 days after the formal hearing is concluded. ~~A~~ The licensee, certificate holder, ~~or the Board~~ may seek rehearing or review of the order according to A.A.C. R3-11-904 or A.R.S. § 41-1092.02.

ARTICLE 10. ANIMAL CREMATORY MINIMUM STANDARDS

R3-11-1001. Definitions

~~The definitions in A.R.S. § 32-2201 apply to this Article. Additionally, in~~ In this Article:

“Animal remains” means the body or part of the body of a dead animal in any stage of decomposition.

“Authorizing agent” means an individual legally entitled to authorize the cremation of animal remains.

“Communal cremation” means remains from multiple animals are in the cremation chamber without any form of separation or identification during the cremation process.

“Cremated remains or ashes” means the residual of animal remains recovered after completion of the cremation process.

“Cremation chamber” means the enclosed space within which the cremation process takes place.

“Individual cremation” means the remains of each animal are separated and place in a mapped location in the cremation chamber during the cremation procedure.

“Major changes in the scope of animal crematory services,” as used in A.R.S. § 32-2292(C), means an increase or decrease in the number ~~or capacity of cremation chambers at~~ of retorts or the addition of services offered or provided by an animal crematory licensed under this Article.

“Operator” means the individual who is responsible ~~to the Board~~ for the day-to-day operation of an animal crematory licensed under this Article.

“Owner” means the person named under A.R.S. § 32-2292(B)(2).

“Private cremation” means the remains of only one animal are placed in the cremation chamber.

“Process” means to reduce identifiable bone fragments remaining after cremation to unidentifiable ~~bone fragments~~ cremated remains.

“Renewal period” means the two years between January 1 of an odd-number year and December 31 of an even-numbered year.

~~“Responsible owner” means the owner and any individual or entity with legal title to at least 10 percent of a licensed animal crematory~~ “Responsible Owner” means the person designated by the crematory owner to be responsible to the Board for the operation of the animal crematory.

“Retort” means the machine used to cremate animal remains.

R3-11-1002. Obtaining an Animal Crematory License

- A.** A person shall not provide or represent to provide animal cremation services before submitting to the Board an application and the fee required under subsection (B).
- B.** To obtain an animal crematory license, the ~~owner~~ Responsible Owner of an animal crematory shall:
1. Submit an application, using a form obtained from the Board, ~~that~~ which provides, but is not limited to, the following information:
 - a. Name of the animal crematory;
 - b. Address of the fixed location of the animal crematory;
 - c. Name of the person owning the animal crematory; ;
 - ~~d. Name of each responsible owner of the animal crematory;~~
 - i. If the owner is an individual, that individual’s name;
 - ii. If the owner is a partnership, the names of all partners; and
 - iii. If the owner is corporation or another business form, the names of all individuals owning at least 10 percent of the business;
 - d. For each individual identified under subsection (B)(1)(c):
 - i. Residential address; and

- ii Documentation of citizenship or alien status, specified under A.R.S. § 41-1080(A), indicating the individual's presence in the U.S. is authorized under federal law.
 - ~~e. Addresses of all individuals identified under subsection (B)(1)(d);~~
 - ~~f. Social Security numbers of all individuals identified under subsection (B)(1)(d);~~
 - ~~g.e. Name~~ Names of the operator all operators;
 - ~~h.f.~~ A description of ~~the~~ all services that will be provided ~~at~~ or offered by the animal crematory;
 - ~~i.g.~~ A description of the animal crematory premises;
 - ~~j. h.~~ A description of ~~the~~ any cremation equipment; and
 - k. ~~Signature~~ Name and signature of the operator Responsible Owner;
2. Submit the fee required under R3-11-1004(1);
 3. Submit evidence that ~~the operator~~ all operators have received training in the safe and proper operation of the ~~cremation chamber~~ crematory from the manufacturer of the retort or other provider;
 4. Submit a copy of every application for or license or permit issued for the animal crematory to operate in this state; and
 5. Schedule an inspection of the animal crematory by a Board designee.

R3-11-1003. Renewing an Animal Crematory License

- A. An animal crematory license expires on December 31 of every even-numbered year.
- B. ~~An owner~~ A Responsible Owner that fails to submit a renewal application and the fee required under R3-11-1004(2) to the Board on or before December 31 of an even-numbered year shall cease providing animal cremation services until a renewal application is submitted.
- C. To renew an animal crematory license, the ~~owner~~ Responsible Owner shall submit to the Board, between October 1 and December 31 of an even-numbered year:
 1. A renewal application that provides the following information:
 - a. Name of the animal crematory;
 - b. Address of the fixed location of the animal crematory;
 - ~~e. Name of the person owning the animal crematory;~~
 - ~~d.c.~~ Name of each responsible the owner of the animal crematory:
 - i. If the owner is an individual, that individual's name;
 - ii. If the owner is a partnership, the names of all partners; and
 - iii. If the owner is corporation or another business form, the names of all individuals owning at least 10 percent of the business;
 - ~~e. Addresses of all individuals identified under subsection (C)(1)(d);~~
 - ~~f. Social Security numbers of all individuals identified under subsection (C)(1)(d);~~

d. For individuals named under subsection (C)(1)(c), if the documentation previously submitted under R3-11-1002(B)(2)(iii) was a limited form of work authorization issued by the federal government, evidence that the work authorization has not expired;

~~g-e. Name~~ Names of the operator all operators;

~~h. A description of the services provided at the animal crematory;~~

~~i. A statement regarding how the services provided at the animal crematory have changed during the renewal period; and~~

j. Signature of the ~~operator~~ Responsible Owner; and

2. The fee required under R3-11-1004(2)

D. If a renewal application is not submitted as required under subsection (C) but is submitted before February 1 following expiration on the previous December 31, the ~~owner~~ Responsible Owner shall include with the renewal application an affirmation that animal cremation services were not provided at the animal crematory after the animal crematory license expired on the previous December 31.

E. If a renewal application is not submitted under either subsection (C) or (D), the ~~owner~~ Responsible Owner may have the animal crematory re-licensed within one year following expiration only by:

1. Submitting the renewal application and fee required under subsection (C);
2. Submitting the affirmation required under subsection (D); and
3. Submitting the penalty required under R3-11-1004(3).

F. If a renewal application is not submitted under subsection (C), (D), or (E), the ~~owner~~ Responsible Owner may have the animal crematory re-licensed only by complying with R3-11-1002.

R3-11-1005. Minimum Standards for an Animal Crematory

The owner shall ensure that:

1. The animal crematory complies with all federal, state, and local laws;
2. The animal crematory is at a fixed location;
3. The ~~cremation chamber~~ retort is constructed to withstand temperatures high enough to reduce animal remains to bone fragments yet protect persons and property from damage from excessive heat or harmful emissions;
4. The ~~cremation chamber~~ retort is shielded from public view;
5. The ~~cremation chamber~~ retort is competently installed. If the ~~cremation chamber~~ retort is installed in Arizona after the effective date of this Article, the ~~cremation chamber~~ retort shall be installed according to the manufacturer's recommendations and in accordance with all state, federal, and local laws and ordinances;
6. If the ~~cremation chamber~~ retort is inside a building:
 - a. It is vented to the outside of the building; and

- b. There is adequate exhaust to prevent heat buildup;
- 7. The cremation chamber receives fresh air to aid in combustion;
- 8. The animal crematory has a storage facility that:
 - a. Chills animal remains to at least 40 degrees Fahrenheit;
 - b. Is secure from access by unauthorized individuals; and
 - c. Preserves the dignity of the animal remains; ~~and~~
- 9. The animal crematory has the equipment and supplies necessary to conduct cremations in a manner that protects the health and safety of crematory employees and the public; and
- 10. All city, county, and other building codes, restrictions, and guidelines applicable to the animal crematory are followed.

R3-11-1006. Minimum Operating Standards for an Animal Crematory

The owner shall ensure that:

- 1. The animal crematory accepts delivery of animal remains only from:
 - a. The owner of the animal remains;
 - b. An animal shelter or humane society;
 - c. A veterinarian licensed under this Chapter;
 - d. An individual or entity with whom the animal crematory has a written contract regarding collection, pick-up, or delivery services; ~~or~~
 - e. An authorized agent of a person described under subsections (1)(a) through (1)(d); or
 - f. A state, county, city, or other corporation authorized to remove dead animals.
- 2. Animal remains that cannot be cremated immediately upon receipt are placed in the storage facility described in R3-11-1005(8) but for no more than 30 days;
- 3. If animal remains are submitted for individual cremation:
 - a. The animal remains are cremated separate from other animal remains;
 - b. The cremated remains are not commingled with other cremated remains;
 - c. The cremated remains are removed from the cremation chamber to the extent feasible and placed in an appropriately sized and securely closed container;
 - d. A label containing the following information is permanently affixed to the container in which the cremated remains are placed:
 - i. Name of the crematory,
 - ii. Name of the animal cremated, and
 - iii. Date of cremation; and
 - e. The cremated remains are disposed according to instructions from the authorizing person or agent;
- 4. All animal remains submitted for cremation are cremated;

5. Animal remains that are communally cremated are disposed of in a legal manner;
6. The cremation chamber is:
 - a. Operated in a safe and sanitary manner and maintained so the cremation chamber functions in an effective and efficient manner; or
 - b. Operated and maintained according to the manufacturer's recommendations if the ~~cremation chamber~~ retort is installed in Arizona after the effective date of this Article;
7. Employees of the animal crematory who handle animal remains use universal precautions and exercise reasonable care to minimize the risk of injury or transmitting communicable disease; and
8. Instructions for operation of the cremation chamber, including emergency shut-down procedures, are located at the animal crematory and easily accessible.

R3-11-1007. Written Procedures Required

- A. The ~~owner~~ Responsible Owner shall ensure that the animal crematory has written procedures regarding the manner in which:
 1. Animal remains are identified from the time the animal crematory accepts delivery of the animal remains until the cremated remains are released according to instructions from the authorizing person or agent;
 2. Authorization to cremate is obtained and documented;
 3. The cremation chamber is loaded and unloaded;
 4. Cremated remains are processed;
 5. Cremated remains, including unclaimed cremated remains, are returned to the authorized agency or disposed of; and
 6. Records are to be completed and maintained for three years from the date of service.
- B. The ~~owner~~ Responsible Owner shall ensure that all employees involved in providing animal cremation services are familiar with and follow the required procedures.
- C. The ~~owner~~ Responsible Owner shall make these written procedures available for inspection by the Board upon request.

R3-11-1008. Recordkeeping Requirements

- A. The ~~owner~~ Responsible Owner shall ensure that records containing the following information are maintained for three years:
 1. For the cremation of individual animal remains:
 - a. ~~Name~~ Last name of the owner of the animal;
 - b. Name of the animal;
 - c. Description of the animal, including its weight;
 - d. Name of the individual, facility, or ~~location~~ organization from which the animal was received;

- e. Authorization to cremate;
 - f. Date of cremation and in which retort the cremation occurred; and
 - g. Date and manner of disposition of cremated remains;
2. For a communal cremation of animal remains:
- a. Name of the individual, facility, or ~~location~~ organization from which the animal remains were received;
 - b. Number of animals and estimated total weight;
 - c. Last name of animals' owners, if known;
 - d. Names of animals, if known;
 - ~~e-e.~~ Authorization to cremate;
 - ~~d-f.~~ Date of cremation and in which retort the cremation occurred; and
 - ~~e-g.~~ Date and manner of disposition of cremated remains.
- B.** If an animal crematory uses a service to collect, pick up, or deliver animal remains for cremation, the ~~owner~~ Responsible Owner shall enter into a written contract with the service that requires the service to inform the authorizing person or agent, in writing, of the name of the animal crematory that will do the cremation. The ~~owner~~ Responsible Owner shall maintain a copy of any contract for two years after expiration of the contract term.
- C.** The ~~owner~~ Responsible Owner shall maintain for ~~two~~ three years records of all maintenance performed on the ~~cremation chamber~~ retort.
- D.** The ~~owner~~ Responsible Owner shall make the records required under this Section available for inspection by the Board upon request.
- E.** Under A.R.S. § 32-2294(A)(3), the ~~owner~~ Responsible Owner shall make records required under subsection (A) available on request to the authorizing person or agent.

R3-11-1009. Change in a Responsible Owner

- ~~A. A responsible owner shall not sell, assign, or transfer the license for an animal crematory.~~
- B.** ~~If Under A.R.S. § 32-2292(D), a responsible owner~~ change of Responsible Owner ~~sells, assigns, or transfers all or part of a licensed animal crematory, the~~ cancels a license is automatically cancelled and the Responsible Owner shall:
- 1. ~~The owner shall submit~~ Submit the cancelled license to the Board within 20 days after the ~~licensed animal crematory is sold, assigned, or transferred~~ the change in Responsible Owner; and
 - 2. ~~The owner shall ensure~~ Ensure that animal cremation services are not provided until an application and fee are submitted under R3-11-1002.

R3-11-1010. Change in Operator

Within ~~20~~ 30 days after a change in operator, the ~~owner~~ Responsible Owner shall provide a written notice to the Board that includes:

1. Name of the licensed animal crematory;₁
2. Animal crematory license number;₁
3. Name of the former operator;₂
4. Name of the new operator;₂
5. Date on which the new operator assumed responsibility for the animal crematory;₂ and
6. An affirmation, signed by the ~~owner~~ Responsible Owner, that the new operator received training in the safe and proper operation of the cremation chamber and the written procedures required under R3-11-1007.